



PTOL-413A (03-03)  
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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

### Applicant Initiated Interview Request Form

Application No.: 09 / 583,958 First Named Applicant: Allan et al.  
Examiner: Nguyen Art Unit: 2154 Status of Application: Non-final

**Tentative Participants:**

(1) Joe Burwell (attorney) (2) Dustin Nguyen (examiner)  
(3) \_\_\_\_\_ (4) \_\_\_\_\_

Proposed Date of Interview: 08/29/2003 Proposed Time: 10 AM (AM/PM)

**Type of Interview Requested:**

(1) ☒ Telephonic (2) ☐ Personal (3) ☐ Video Conference

Exhibit To Be Shown or Demonstrated: ☐ YES ☐ NO

If yes, provide brief description: \_\_\_\_\_

### Issues To Be Discussed

| Issues<br>(Rej., Obj., etc) | Claims/<br>Fig. #s                     | Prior<br>Art           | Discussed                | Agreed                   | Not Agreed               |
|-----------------------------|--|------------------------|--------------------------|--------------------------|--------------------------|
| (1) <u>103(a) Rej.</u>      | Primarily<br><u>independent claims</u> | <u>Agarwal, Yamane</u> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (2) _____                   | _____                                  | _____                  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (3) _____                   | _____                                  | _____                  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (4) _____                   | _____                                  | _____                  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

☐ Continuation Sheet Attached

**Brief Description of Arguments to be Presented:**

See attached sheet.

An interview was conducted on the above-identified application on \_\_\_\_\_.

**NOTE:**

This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

\_\_\_\_\_  
(Applicant/Applicant's Representative Signature)

\_\_\_\_\_  
(Examiner/SPE Signature)

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*

Both Agarwal and Yamane disclose distributed monitoring agents; these types of systems were admitted as prior art and distinguished in the present application. However, neither Agarwal nor Yamane disclose the operation of sending a request from a monitoring agent to a server for operational parameters for the monitoring agent, which is specifically recited in method claim 1 as happening when the agent detects an outgoing transaction to the server to change its operational parameters, or more generally in method claim 6, when the agent detects an outgoing transaction to the server.

Apparently, the Office action points to column 9 in Agarwal as specifically disclosing a transaction concerning operational parameters: "The Tap device 161 communicates with the TAP API 157 to set up monitoring parameters and to supply monitoring data." These elements in Agarwal reside on within the client; these steps are analogous in the present invention to the monitoring agent 220 retrieving its operational parameters from configuration file 222. However, the claims of the present invention are directed to a specific process for obtaining or updating those operational parameters from a management server by a distributed monitoring agent; the operational parameters are then stored in the configuration file (e.g., claim 2).

The Office action also points to column 10 and column 16 of Yamane as disclosing the exchange of configuration information between a manager and an agent. However, Yamane does not disclose the third element of claim 1 as asserted in the rejection; at most, Yamane discloses what Applicant already admitted as prior art in the background section of the specification of the present patent application. The present invention is directed to a specific process for the exchange of configuration information between a management server and the distributed monitoring agents; this exchange is triggered by a certain class of events that are detected by a monitoring agent, which is not shown in the prior art.

ref. missing the updated request or polling from client agent to the server after seeing an packet that indicates to change the status of agent from a user